

- 2) This did not overcome the 'knowing' standard common in recent criminal convictions.
- 3) Failed to study details of case until eve of trial,
- 4) Was unable to absorb large amount of defense data, 'winged it' on stand.
- 5) Forced sale of apartment to raise funds for data recovery and fee.
- 6) \$ 100,000 Fee awarded by the court felt fee was insufficient to mount defense.
- 7) Relied only on prosecution data, did not study defense data.
- 8) Missed Accountant Auditor Exculpatory Prepared Tax Returns.
- 9) Did not acknowledge Co-Funding, or Karron Salary.
- 10) Bored and confused Judge and Jury.
- 11) Key points were lost on Judge and Jury.
- 12) Did not push for Tracing of Funds requirement when objected to by judge. Judge may have felt it was just a delaying tactic.
- 13) Did not push to Cross Examine Joan Hayes CPA when withdrawn as expert witness by Prosecution. Her confusing and contradictory evidence trail.
- 14) Key comments by Frank Spring were stricken from record and not pursued.
- 15) Did not pursue Government Auditor Riley on key points she admitted to.
- 16) Did not raise issue of contradictions in GX114.
- 17) Did not raise issue of missing year two withholding taxes when prosecution offered to not raise issues from Year 2; because that is when the accountant misapplied/stole the withholding taxes.

There are more issues with counsel and they will be presented in a future revision.

13. Conclusion

Statutory standard for reversal, set aside, of verdict under 2255

14. Appendix

A. 28 USC § 2255. Federal custody; remedies on motion attacking sentence⁷⁵

(a) A prisoner in custody under sentence of a court established by Act of Congress claiming the right to be released upon the ground that the sentence was imposed in violation of the Constitution or laws of the United States, or that the court was without jurisdiction to impose such sentence, or that the sentence was in excess of the maximum authorized by law, or is otherwise subject to collateral attack, may move the court which imposed the sentence to vacate, set aside or correct the sentence.

(b) Unless the motion and the files and records of the case conclusively show that the prisoner is entitled to no relief, the court shall cause notice thereof to be served upon the United States attorney, grant a prompt hearing thereon, determine the issues and make findings of fact and conclusions of law with respect thereto. If the court finds that the judgment was rendered without jurisdiction, or that the sentence imposed was not authorized by law or otherwise

⁷⁵ http://www.law.cornell.edu/uscode/uscode28/usc_sec_28_00002255----000-.html Downloaded Saturday, February 12, 2011 at 13:15:50 Hours